

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 15, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STEVEN DUCKETT and TINA
DUCKETT, husband and wife,

Plaintiffs,

v.

RENTOKIL NORTH AMERICA,
INC.,

Defendant.

NO: 4:18-CV-5155-RMP

ORDER GRANTING UNOPPOSED
MOTION FOR APPROVAL OF FAIR
LABOR STANDARDS ACT
SETTLEMENT

****FINAL JUDGMENT****

BEFORE THE COURT is Plaintiffs' Unopposed Motion for Approval of Fair Labor Standards Act Settlement, ECF No. 82. The Court has reviewed Plaintiffs' Motion, accompanying Memorandum of Law, the accompanying declarations, and all other records, pleadings, and papers on file in this action, and is fully informed. Accordingly, the Court **GRANTS** Plaintiffs' Motion **ECF No. 82** and **ORDERS** as follows:

1. The Parties' Settlement Agreement is finally approved pursuant to the Fair Labor Standards Act as a fair and reasonable resolution of a *bona fide* dispute

****FINAL JUDGMENT**** ORDER GRANTING UNOPPOSED MOTION FOR APPROVAL OF FAIR LABOR STANDARDS ACT SETTLEMENT ~ 1

1 and in the best interests of the Settlement Collective Members, who will each be
2 able to choose whether or not to participate in the Settlement and therefore release
3 their claims.

4 2. For settlement purposes, the following group of Putative Settlement
5 Collective Members is finally certified and permitted to proceed on a collective
6 action basis pursuant to 29 U.S.C. § 216(b) for purposes of settlement of this action
7 only:

8 All persons who, at any time during the three years before July
9 8, 2019, are or were employed in Service Specialist positions by
10 Rentokil or any Rentokil brand, were not included in the
11 settlement in *Flores v. Rentokil North Am., Inc.*, Los Angeles
Superior Court Case No. BC713774, and were subject to the
Steritech Specialist Incentive Pay Plan.

12 3. Plaintiff Steven Duckett is finally approved as the representative of the
13 Putative Settlement Collective Members, and the proposed service award is finally
14 approved in the amount of \$5,000.00 to plaintiff Steven Duckett, in recognition of
15 his services performed on behalf of all Putative Settlement Collective Members and
16 also in exchange for his additional released claims.

17 4. Erika L. Nusser and Toby J. Marshall of Terrell Marshall Law Group,
18 PLLC, and Adam Pechtel of Pechtel Law PLLC are finally approved as plaintiff's
19 counsel for the Putative Settlement Collective Members, and awarded attorneys'
20 fees and litigation expenses in the total amount \$270,000 as defined in the
21 Settlement Agreement.

1 5. Simpluris is approved as the Settlement Administrator and shall
2 administer notice and disburse Settlement Payments as set forth in the Settlement
3 Agreement. Rentokil shall separately compensate Simpluris pursuant to the terms of
4 the Settlement Agreement.

5 6. The proposed Notice template is approved and authorized to be
6 finalized and sent by the Settlement Administrator to all Putative Settlement
7 Collective Members pursuant to the schedule set forth in the Settlement Agreement,
8 and the Settlement Administrator and the Parties shall undertake and perform all
9 other tasks and responsibilities set forth in the Settlement Agreement.

10 7. This Litigation, which was brought pursuant to 29 U.S.C. § 216(b), is
11 hereby **dismissed with prejudice against defendant** in accordance with the terms
12 of the Settlement Agreement. Putative Settlement Collective Members who choose
13 to participate in the Settlement and cash or deposit their Settlement checks are
14 hereby enjoined from prosecuting any Released Claims against Rentokil and the
15 Releasees.

16 8. The Court hereby enters final judgment in this case and there being no
17 reason to delay entry of this final judgment, the Clerk of the Court is ordered to enter
18 this final judgment forthwith pursuant to Rule 54(b) of the Federal Rules of Civil
19 Procedure.

20 9. Without affecting the finality of this final judgment in any way, the
21 Court reserves exclusive and continuing jurisdiction over this action, the plaintiffs,

1 the Settlement Collective Members, and defendant for purposes of supervising the
2 implementation and enforcement of the Settlement Agreement, this Order, and all
3 settlement administration matters.

4 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
5 Order, provide copies to counsel, and **close this case.**

6 **DATED** September 15, 2020.

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8 *s/ Rosanna Malouf Peterson*
9 ROSANNA MALOUF PETERSON
10 United States District Judge
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